THE HON'BLE MS JUSTICE G. ROHINI

WRIT PETITION NO.16848 of 2005

Dated 24-10-2005

Between:

Boda Venkateswarlu. ….Petitioner

and

The Joint Collector, Prakasam District, and three others.

….Respondents

THE HON'BLE MS JUSTICE G. ROHINI

WRIT PETITION NO.16848 of 2005

ORDER:

This writ petition is filed seeking to declare the alleged action of the respondents 1 to 3 in not considering the case of the petitioner to continue him as permanent Fair Price Shop Dealer of Shop No.26 of Chapalamadugu Village, Pullalacheruvu Mandal, Prakasam District.

I have heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondents.

It is not in dispute that the petitioner was appointed as a permanent Dealer of the Fair Price Shop No.26 of Chapalamadugu Village, Pullalacheruvu Mandal, Prakasam District. However, it appears that he made an application before the third respondent-Mandal Revenue Officer, Pullalacheruvu Mandal seeking leave for a period of six months i.e., from 01-01-2005 to 30-06-2005 and requesting to make temporary arrangement in the meanwhile. The third respondent forwarded the said application to the second respondent-Revenue Divisional Officer, Markapuram, Prakasam District. Having considered the same, the second respondent by order dated 11-01-2005 granted leave as sought by the petitioner up to 30-06-2005 and in the meanwhile so as to avoid inconvenience to the villagers, the fourth respondent was appointed as a temporary dealer.

The grievance of the petitioner is that on 22-06-2005 when he made a representation to the second respondent requesting to allow him to continue as the permanent Dealer, the same has not been considered and on the other hand, he was informed that the matter has been referred to the District Medical and Health Officer for factual report. Hence this writ petition.

In the counter-affidavit filed on behalf of the respondents 1 to 3, it is stated that since the report is still awaited from the Medical Officer, no orders have been passed on the representation made by the petitioner.

Having heard the learned counsel for both the parties and keeping in view the fact that the second respondent himself by order dated 11-

01-2005 sanctioned leave to the petitioner for a period of six months, the action of the respondents 1 to 3 in not considering the request of the petitioner appears to be unjustified. However, since in the counter-affidavit, it is stated that a factual report has been called for, without expressing any opinion on merits, the writ petition is disposed of with a direction to the second respondent to consider the request of the petitioner and to pass appropriate orders, in accordance with law, with regard to continuation of the petitioner as Fair Price Shop Dealer of Shop No.26 of Chapalamadugu Village, Pullalacheruvu Mandal, Prakasam District, as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order and to communicate the same to the petitioner.

The writ petition is accordingly disposed of. No costs.

_____

(G. ROHINI, J)

Date:24-10-2005

ghn